

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GABRIELLE STUVE and JESSICA
NICODEMO, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

THE KRAFT HEINZ COMPANY a/k/a
KRAFT HEINZ FOODS COMPANY,

Defendant.

Case No. 1:21-CV-01845

The Hon. Rebecca R. Pallmeyer

**THE KRAFT HEINZ COMPANY'S UNOPPOSED MOTION FOR LEAVE TO FILE
MEMORANDUM OF LAW IN EXCESS OF FIFTEEN PAGES**

Pursuant to Local Rule 7.1, Defendant The Kraft Heinz Company respectfully seeks leave to file a memorandum of law in excess of fifteen pages in support of its motion to dismiss Plaintiffs' Class Action Complaint. In support of its motion, Kraft Heinz states as follows:

1. On April 6, 2021, Plaintiffs filed their Class Action Complaint, which alleges that the labeling of Kraft Macaroni & Cheese is materially misleading due to the purported presence of phthalates in the product. *See* ECF No. 1. Based on that theory of deception, Plaintiffs assert consumer fraud claims under Florida, Illinois, and New York law, a claim under the Illinois Food, Drug & Cosmetics Act, and common-law claims for breach of express warranty, breach of implied warranty, and unjust enrichment.

2. In light of the number of counts and the number of state laws implicated by Plaintiffs' lawsuit, as well as the fact that Plaintiffs' lawsuit implicates both alleged omissions and purported misrepresentations on the packaging, Kraft Heinz respectfully submits that an extension

of the page limit from fifteen pages, as is ordinarily allowed under Local Rule 7.1, to twenty-five pages is appropriate.

3. Kraft Heinz's counsel has conferred with Plaintiffs' counsel regarding this motion. Plaintiffs' counsel does not object to the relief sought herein, so long as the enlargement of pages applies reciprocally to their opposition brief. Kraft Heinz does not object to that request.

WHEREFORE, Kraft Heinz respectfully requests that this Court grant leave to file a memorandum of law in support of Kraft Heinz's motion to dismiss Plaintiffs' Class Action Complaint in excess of fifteen pages, but not to exceed twenty-five pages.

Dated: June 3, 2021

Respectfully submitted,

By: /s/ Dean N. Panos

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The Kraft Heinz Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on June 3, 2021 with the Clerk of the Court by using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

Dated: June 3, 2021

By: /s/ Dean N. Panos
Dean N. Panos